

Appl. No. 10/759,343

Amdt. dated January 31, 2005

Reply to Office action of November 3, 2004

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-3 and 5-9 remain in the application. Claims 1 and 5 have been amended. Claim 4 has been canceled.

The subject matter of claim 4 has been incorporated in claim 1. A further feature, namely that the auxiliary undercarriage is vertically height-adjustable, has been added as well. Support for the feature is shown in the drawings and the description and in the original claim 6. Claim 6 has nevertheless been retained as the vertical adjustability therein is further defined as being "relative to said axis" (the axis that extends perpendicularly to the longitudinal direction).

This brings us to the rejection of the claims as being anticipated by Buhler (US 4,979,247) under 35 U.S.C. § 102(b). We specifically traverse the rejection of claim 4 (now claim 1).

Buhler does not disclose the auxiliary undercarriage of the amended claim 1. The wheel gear 22 shown in Fig. 6, instead, should be compared with the guide device of claim 1 of the instant application. The guide device allows the girder

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carrier to be longitudinally displaced on the second machine frame.

In contrast, the auxiliary undercarriage of the amended claim 1 is disposed in the region adjoining the end of the bridge girder and it is provided in addition to the claimed guide device.

In light of the rule of law that each and every element of a claim is essential (in terms of infringement as well as in terms of patentability), it is understood that the claim requires the auxiliary undercarriage to be provided in addition to the guide device.

It is appreciatively noted that claims 5 and 8 were indicated to be allowable. It is assumed that the Examiner meant to also group claim 6 with the allowable claims, because claim 6 depends from claim 5. These claims, however, have not been rewritten in independent form, because it is believed that the element of claim 4 in combination with the elements of claim 1 is patentable over the art of record.

Neither Buhler nor any other reference, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over

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the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-3 and 5-9 are solicited.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicant

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